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May 4, 1993

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

In the Matter of

Policies and Rules Implementing  
the Telephone Disclosure and  
Dispute Resolution Act

)  
) CC Docket 93-22  
) RM-7990  
)  
)

Dear Ms. Searcy:

Enclosed please find an original and nine copies of the  
Reply Comments of Cincinnati Bell Telephone Company (CBT) in the  
above-referenced proceeding.

Please date stamp and return the enclosed duplicate copy of  
this letter as acknowledgement of its receipt. Questions  
regarding this document should be directed to Mrs. Debbie  
Davidson at the above address or by calling (513) 397-1333.

Sincerely,

*Robert E. Sigmon*

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CC Docket 93-22  
RM-7990

## I. Introduction.

Cincinnati Bell Telephone Company (CBT), by its attorneys, hereby submits reply comments addressing certain issues raised by other parties in the initial round of comments filed pursuant to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry (NPRM) in the above-captioned matter, released March 10, 1993.

## II. Prohibition of Collect Audiotext.

CBT reiterates its belief that 800 numbers should not be used for pay-per-call purposes and that the use of such numbers in any manner that results in the caller being called back collect to receive audiotext information services should be prohibited. Indeed, collect audiotext should be prohibited generally and CBT opposes those commenters who

view collect audiotext as an acceptable method of providing pay-per-call services.<sup>1/</sup>

CBT's experience with one billing and collection customer is instructional. Ninety-seven percent of the call volume from this customer in a recent month was for collect calls. Although CBT is unable to distinguish between collect audiotext calls and regulated collect calls, it can be assumed from the cost per message (approximately \$12) that these are audiotext calls. Numerous CBT subscribers have notified CBT that they are being billed for collect audiotext calls they did not authorize or were unaware that they would incur audiotext charges, as opposed to tariffed collect call charges. Although CBT is only the billing agent for this customer and does not provide inquiry (customer) service, CBT was forced to adjust several hundred messages from bills in a recent month because CBT subscribers were unable to contact the information provider. This burden should not fall upon the Local Exchange Carrier (LEC) but, unless collect audiotext is prohibited generally, the only remedy presently available to the LEC is to refuse to bill for all collect calls of such billing and collection customers.

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<sup>1/</sup> Association of Information Providers of New York et al. (AIPNY) Comments at pp. 5-7, Summit Comments at pp. 9-11, 13, 15.

III. Billing and Collection.

CBT agrees with those commenters who oppose requiring that additional information be added to subscribers bills.<sup>2/</sup> CBT believes that requiring additional information on the bill would impose an undue burden on the LECs, given they are only billing agents and often have no contact with information providers. If additional information must be added to the bills, then CBT particularly supports GTE's statement that the FCC should "stat[e] the additional requirements in principle, leaving the details of format to the carrier."<sup>3/</sup>

IV. Imposition of Involuntary Blocking.

CBT supports the position that LECs should have the discretion to impose involuntary blocking on subscribers who do not pay for legitimate audiotext service charges.<sup>4/</sup> Appropriate credit limits and guidelines should be established prior to instituting involuntary blocking.

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<sup>2/</sup> GTE Comments at p. 11, AT&T Comments at p. 9, MCI Comments at pp. 6-7, Phone Programs Comments at p. 9, Sprint Comments at p. 17.

<sup>3/</sup> GTE Comments at p. 11.

<sup>4/</sup> GTE Comments at p. 8, Information Industry Association Comments at pp. 16-17, Phone Programs Comments at p. 13, Sprint Comments at p. 14, SNET Comments at p. 7, BellSouth Comments at pp. 8-9, Summit Comments at p. 18, National Association for Information Services Comments at pp. 19-20.

Limiting the ability of customers to exceed maximum credit limits is a common business practice with respect to consumer credit generally and should not be prohibited by Commission rules.

V. Enforcement of The Telephone Disclosure and Dispute Resolution Act (TDDRA).

CBT reiterates its position that a LEC should be able to terminate billing for pay-per-call services for failure to comply with the TDDRA or relevant regulations thereunder. CBT further agrees with commenters who believe that any notice period prior to termination should be short, certainly not in excess of thirty days.<sup>5/</sup>

But LECs should not be in the position of having to interpret the law. The legal interpretation of statutes and rules should remain with the courts and the Commission.<sup>6/</sup> Either the LECs should establish termination rules by contracts with their billing and collection customers or the Commission should adopt specific guidelines which are measurable and definitive.

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<sup>5/</sup> AIPNY Comments at p. 4, Consumer Action Comments at p. 2, MCI Comments at p. 4.

<sup>6/</sup> SWBT Comments at p. 9, Pacific Bell Comments at p. 10.


VI. Recovery of Costs.

CBT reiterates its recommendation that a revision to Part 36 of the Commission's Rules via a Joint Board proceeding should be implemented. Proper identification of interstate and intrastate pay-per-call costs is key to obtaining the correct jurisdictional separation of these costs.

VII. Conclusion.

CBT urges the Commission to take the foregoing Reply Comments into consideration as it develops rules under the TDDRA.

Respectfully submitted,

  
\_\_\_\_\_  
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Dated: May 4, 1993.  
2148b/2149b

CERTIFICATE OF SERVICE

I, Debbie L. Davidson, do hereby certify that I have caused a copy of the foregoing Reply Comments of Cincinnati Bell Telephone Company to be mailed via first class United States mail, postage prepaid, to the persons listed on the attached service list this 4th day of May, 1993.

Debbie L. Davidson  
Debbie L. Davidson

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